

**Introduced by Senator Aanestad**

February 23, 2007

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An act to amend Sections 4830 and 4848 of, to amend and renumber Section 4826.2 of, and to amend, renumber, and add Section 4826.1 of, the Business and Professions Code, relating to veterinary medicine.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 969, as introduced, Aanestad. Veterinary medicine.

Existing law requires the Veterinary Medical Board to ascertain, by means of examination, the professional qualifications of applicants for licensure to practice veterinary medicine and to issue a license to every person whom it finds to be qualified. Under existing law, the board must waive those examination requirements and issue a temporary license to an applicant who, among other requirements, has practiced clinical veterinary medicine for a minimum of 4 years full time within the 5 years immediately preceding filing an application for licensure.

This bill would instead require the board to waive the examination requirements and issue a temporary license to an applicant who, among other requirements, within the 3 years immediately preceding filing an application, has practiced clinical veterinary medicine for a minimum of 2 years and completed a minimum of 3,000 hours of clinical practice. The bill would also require the board to waive the examination requirements and issue a license to a person who, among other requirements, is certified by a specified organization or association.

Existing law provides that a person practices veterinary medicine when he or she, among other things, administers a drug for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease of animals, except where the drug is administered by a registered

veterinary technician or an unregistered assistant at the direction of and under the direct supervision of a licensed veterinarian.

This bill would authorize a registered veterinary technician and an unregistered assistant to administer a drug, except for the induction of anesthesia, under the indirect supervision, as defined, of a licensed veterinarian. This bill would also define drugs and indirect supervision for purposes of that provision.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 4826.1 of the Business and Professions  
2 Code is amended and renumbered to read:

3 ~~4826.1.~~

4 4826.2. A veterinarian who on his or her own initiative, at the  
5 request of an owner, or at the request of someone other than the  
6 owner, renders emergency treatment to a sick or injured animal at  
7 the scene of an accident shall not be liable in damages to the owner  
8 of that animal in the absence of gross negligence.

9 SEC. 2. Section 4826.1 is added to the Business and Professions  
10 Code, to read:

11 4826.1. (a) Notwithstanding any other provision of law, a  
12 registered veterinary technician or an unregistered assistant may  
13 administer a drug under the indirect supervision of a licensed  
14 veterinarian when done pursuant to the order, control, and full  
15 professional responsibility of a licensed veterinarian. However,  
16 no person, other than a licensed veterinarian, may induce anesthesia  
17 unless authorized by regulation of the board.

18 (b) For purposes of this section, the following definitions apply:

19 (1) "Drug" has the same meaning as that term is defined in  
20 Section 11014 of the Health and Safety Code.

21 (2) "Indirect supervision" means (A) that the supervisor is not  
22 physically present at the location where animal health care job  
23 tasks are to be performed, but has given either written or oral  
24 instructions ("direct orders") for treatment of the animal patient;  
25 and (B) the animal has been examined by a veterinarian at such  
26 times as good veterinary medical practice requires, consistent with  
27 the particular delegated animal health care task and the animal is

1 not anesthetized as defined in Section 2032 of Title 16 of the  
2 California Code of Regulations.

3 SEC. 3. Section 4826.2 of the Business and Professions Code  
4 is amended and renumbered to read:

5 ~~4826.2.~~

6 4826.3. Notwithstanding any other provision of law, a  
7 veterinarian, registered veterinary technician, or an unregistered  
8 assistant working under the supervision of a veterinarian, may  
9 provide veterinary care and treatment for ~~any~~ *an* animal restricted  
10 pursuant to Section 2118 of the Fish and Game Code. A  
11 veterinarian, registered veterinary technician, or an unregistered  
12 assistant working under the supervision of a veterinarian, may  
13 lawfully possess one or more of the animals only for the period of  
14 time that, in his or her judgment, veterinary care and treatment are  
15 necessary. No veterinarian, registered veterinary technician, or  
16 unregistered assistant working under the supervision of a  
17 veterinarian, has a duty to advise law enforcement if he or she  
18 becomes aware that one or more of the animals is possessed in the  
19 state. For the purposes of this section, “veterinary care and  
20 treatment” does not include boarding when no veterinary care or  
21 treatment is required.

22 SEC. 4. Section 4830 of the Business and Professions Code,  
23 as amended by Section 1 of Chapter 823 of the Statutes of 2006,  
24 is amended to read:

25 4830. (a) This chapter does not apply to:

26 (1) Veterinarians while serving in any armed branch of the  
27 military service of the United States or the United States  
28 Department of Agriculture while actually engaged and employed  
29 in their official capacity.

30 (2) Regularly licensed veterinarians in actual consultation from  
31 other states.

32 (3) Regularly licensed veterinarians actually called from other  
33 states to attend cases in this state, but who do not open an office  
34 or appoint a place to do business within this state.

35 (4) Veterinarians employed by the University of California  
36 while engaged in the performance of duties in connection with the  
37 College of Agriculture, the Agricultural Experiment Station, the  
38 School of Veterinary Medicine or the agricultural extension work  
39 of the university or employed by the Western University of Health  
40 Sciences while engaged in the performance of duties in connection

1 with the College of Veterinary Medicine or the agricultural  
2 extension work of the university.

3 (5) Students in the School of Veterinary Medicine of the  
4 University of California or the College of Veterinary Medicine of  
5 the Western University of Health Sciences who participate in  
6 diagnosis and treatment as part of their educational experience,  
7 including those in off-campus educational programs under the  
8 direct supervision of a licensed veterinarian in good standing, as  
9 defined in ~~paragraph (1) of subdivision (b)~~ (f) of Section 4848,  
10 appointed by the University of California, Davis, or the Western  
11 University of Health Sciences.

12 (6) A veterinarian who is employed by the Meat and Poultry  
13 Inspection Branch of the California Department of Food and  
14 Agriculture while actually engaged and employed in his or her  
15 official capacity. A person exempt under this paragraph shall not  
16 otherwise engage in the practice of veterinary medicine unless he  
17 or she is issued a license by the board.

18 (7) Unlicensed personnel employed by the Department of Food  
19 and Agriculture or the United States Department of Agriculture  
20 when, in the course of their duties, they are directed by a  
21 veterinarian supervisor to conduct an examination, obtain biological  
22 specimens, apply biological tests, or administer medications or  
23 biological products as part of government disease or condition  
24 monitoring, investigation, control, or eradication activities.

25 (8) Veterinarians employed by a city, city and county, or county  
26 who meet all of the following criteria:

27 (A) They have earned and possess a doctorate in veterinary  
28 medicine from an American Veterinary Medical  
29 Association-accredited college of veterinary medicine, or they  
30 possess a degree in veterinary medicine from a non-American  
31 Veterinary Medical Association-accredited college of veterinary  
32 medicine and possess a certificate issued by the Educational  
33 Commission for Foreign Veterinary Graduates or a certificate  
34 issued by the Program for Assessment of Veterinary Equivalence,  
35 or they have achieved board certification from the American  
36 College of Veterinary Pathologists.

37 (B) They have successfully completed a residency approved by  
38 the American College of Veterinary Pathologists.

39 (C) They are conducting activities, under the direct supervision  
40 of a California licensed veterinarian, related to pathology and

1 epidemiology on dead animals as part of a government program  
2 to monitor a disease or a disease-related condition or to investigate,  
3 control, or eradicate a disease.

4 (b) This section shall remain in effect only until January 1, 2011,  
5 and as of that date is repealed, unless a later enacted statute that  
6 is enacted before January 1, 2011, deletes or extends that date.

7 SEC. 5. Section 4830 of the Business and Professions Code,  
8 as added by Section 2 of Chapter 823 of the Statutes of 2006, is  
9 amended to read:

10 4830. (a) This chapter does not apply to:

11 (1) Veterinarians while serving in any armed branch of the  
12 military service of the United States or the United States  
13 Department of Agriculture while actually engaged and employed  
14 in their official capacity.

15 (2) Regularly licensed veterinarians in actual consultation from  
16 other states.

17 (3) Regularly licensed veterinarians actually called from other  
18 states to attend cases in this state, but who do not open an office  
19 or appoint a place to do business within this state.

20 (4) Veterinarians employed by the University of California  
21 while engaged in the performance of duties in connection with the  
22 College of Agriculture, the Agricultural Experiment Station, the  
23 School of Veterinary Medicine, or the agricultural extension work  
24 of the university or employed by the Western University of Health  
25 Sciences while engaged in the performance of duties in connection  
26 with the College of Veterinary Medicine or the agricultural  
27 extension work of the university.

28 (5) Students in the School of Veterinary Medicine of the  
29 University of California or the College of Veterinary Medicine of  
30 the Western University of Health Sciences who participate in  
31 diagnosis and treatment as part of their educational experience,  
32 including those in off-campus educational programs under the  
33 direct supervision of a licensed veterinarian in good standing, as  
34 defined in ~~paragraph (1) of subdivision (b)~~ (f) of Section 4848,  
35 appointed by the University of California, Davis, or the Western  
36 University of Health Sciences.

37 (6) A veterinarian who is employed by the Meat and Poultry  
38 Inspection Branch of the California Department of Food and  
39 Agriculture while actually engaged and employed in his or her  
40 official capacity. A person exempt under this paragraph shall not

1 otherwise engage in the practice of veterinary medicine unless he  
2 or she is issued a license by the board.

3 (7) Unlicensed personnel employed by the Department of Food  
4 and Agriculture or the United States Department of Agriculture  
5 when in the course of their duties they are directed by a veterinarian  
6 supervisor to conduct an examination, obtain biological specimens,  
7 apply biological tests, or administer medications or biological  
8 products as part of government disease or condition monitoring,  
9 investigation, control, or eradication activities.

10 (b) This section shall become operative on January 1, 2011.

11 SEC. 6. Section 4848 of the Business and Professions Code is  
12 amended to read:

13 4848. (a) (1) The board shall, by means of examination,  
14 ascertain the professional qualifications of all applicants for  
15 licenses to practice veterinary medicine in this state and shall issue  
16 a license to every person whom it finds to be qualified. No license  
17 shall be issued to anyone who has not demonstrated his or her  
18 competency by examination.

19 (2) The examination shall consist of each of the following:

20 (A) A licensing examination that is administered on a national  
21 basis.

22 (B) A California state board examination.

23 (C) An examination concerning those statutes and regulations  
24 of the Veterinary Medicine Practice Act administered by the board.  
25 The examination shall be administered by mail and provided to  
26 applicants within 10 to 20 days of eligibility determination. The  
27 board shall have 10 to 20 days from the date of receipt to process  
28 the examination and provide candidates with the results of the  
29 examination. The applicant shall certify that he or she personally  
30 completed the examination. Any false statement is a violation  
31 subject to Section 4831. University of California and Western  
32 University of Health Sciences veterinary medical students who  
33 have successfully completed a board approved course on veterinary  
34 law and ethics covering the Veterinary Medicine Practice Act shall  
35 be exempt from this provision.

36 (3) The examinations may be given at the same time or at  
37 different times as determined by the board. For examination  
38 purposes, the board may make contractual arrangements on a sole  
39 source basis with organizations furnishing examination material

1 as it may deem desirable and shall be exempt from Section 10115  
2 of the Public Contract Code.

3 (4) The licensing examination may be waived by the board in  
4 ~~any~~ a case in which it determines that the applicant has taken and  
5 passed an examination for licensure in another state substantially  
6 equivalent in scope and subject matter to the licensing examination  
7 last given in California before the determination is made, and has  
8 achieved a score on the out-of-state examination at least equal to  
9 the score required to pass the licensing examination administered  
10 in California.

11 (5) Nothing in this chapter shall preclude the board from  
12 permitting a person who has completed a portion of his or her  
13 educational program, as determined by the board, in a veterinary  
14 college recognized by the board under Section 4846 to take ~~any~~  
15 ~~an~~ examination or ~~any~~ a part thereof prior to satisfying the  
16 requirements for application for a license established by Section  
17 4846.

18 (b) The board shall waive the examination requirements of  
19 subdivision (a), and issue a temporary license valid for one year  
20 to an applicant to practice veterinary medicine under the  
21 supervision of another licensed California veterinarian in good  
22 standing if the applicant meets all of the following requirements  
23 and would not be denied issuance of a license by any other  
24 provision of this code:

25 (1) The applicant holds a current valid license in good standing  
26 in another state, Canadian province, or United States territory and,  
27 *within the three years immediately preceding filing an application*  
28 *for licensure in this state*, has practiced clinical veterinary medicine  
29 for a minimum of ~~four~~ *two* years ~~full time within the five years~~  
30 ~~immediately preceding filing an application for licensure in this~~  
31 ~~state and completed a minimum of 3,000 hours of clinical practice.~~  
32 Experience obtained while participating in an American Veterinary  
33 Medical Association (AVMA) accredited institution's internship,  
34 residency, or specialty board training program shall be valid for  
35 meeting the minimum experience requirement.

36 The term ~~"in good standing"~~ means that an applicant under this  
37 section:

38 ~~(A) Is not currently under investigation nor has been charged~~  
39 ~~with an offense for any act substantially related to the practice of~~  
40 ~~veterinary medicine by any public agency, nor entered into any~~

1 ~~consent agreement or subject to an administrative decision that~~  
2 ~~contains conditions placed by an agency upon an applicant's~~  
3 ~~professional conduct or practice, including any voluntary surrender~~  
4 ~~of license, nor been the subject of an adverse judgment resulting~~  
5 ~~from the practice of veterinary medicine that the board determines~~  
6 ~~constitutes evidence of a pattern of incompetence or negligence.~~

7 ~~(B) Has no physical or mental impairment related to drugs or~~  
8 ~~alcohol, and has not been found mentally incompetent by a~~  
9 ~~physician so that the applicant is unable to undertake the practice~~  
10 ~~of veterinary medicine in a manner consistent with the safety of a~~  
11 ~~patient or the public.~~

12 (2) At the time of original licensure, the applicant passed the  
13 national licensing requirement in veterinary science with a passing  
14 score or scores on the examination or examinations equal to or  
15 greater than the passing score required to pass the national licensing  
16 examination or examinations administered in this state.

17 (3) The applicant has either graduated from a veterinary college  
18 recognized by the board under Section 4846 or possesses a  
19 certificate issued by the Educational Commission for Foreign  
20 Veterinary Graduates (ECFVG).

21 (4) The applicant passes an examination concerning the statutes  
22 and regulations of the Veterinary Medicine Practice Act,  
23 administered by the board, pursuant to subparagraph (C) of  
24 paragraph (2) of subdivision (a).

25 (5) The applicant agrees to complete an approved educational  
26 curriculum on regionally specific and important diseases and  
27 conditions during the period of temporary licensure. The board,  
28 in consultation with the California Veterinary Medical Association  
29 (CVMA), shall approve educational curricula that cover appropriate  
30 regionally specific and important diseases and conditions that are  
31 common in California. The curricula shall focus on small and large  
32 animal diseases consistent with the current proportion of small  
33 and large animal veterinarians practicing in the state. The approved  
34 curriculum shall not exceed 30 hours of educational time. ~~The~~  
35 ~~board shall approve a curriculum as soon as practical, but not later~~  
36 ~~than June 1, 1999.~~ The approved curriculum may be offered by  
37 multiple providers so that it is widely accessible to candidates  
38 licensed under this subdivision.

39 ~~(e) Upon receipt of acknowledgment of successful completion~~  
40 ~~of the requirements set forth in subdivision (b), the board shall~~



1 ~~issue a license to the applicant. Any applicant who does not meet~~  
2 ~~the requirements of subdivision (b) shall take a California state~~  
3 ~~board examination as specified in subparagraph (B) of paragraph~~  
4 ~~(2) of subdivision (a).~~

5 *(c) The board shall waive the examination requirements of*  
6 *subdivision (a) and issue a license to an applicant to practice*  
7 *veterinary medicine if the applicant meets all of the following*  
8 *requirements and would not be denied issuance of a license by*  
9 *any other provision of this code:*

10 *(1) The applicant holds a current valid license in good standing*  
11 *in another state, Canadian province, or United States territory.*

12 *(2) The applicant is certified by an organization or association*  
13 *that is recognized by the American Veterinary Medical Association*  
14 *and that meets the requirements of the American Board of*  
15 *Veterinary Specialties.*

16 *(3) The applicant passes an examination concerning the statutes*  
17 *and regulations of the Veterinary Medicine Practice Act,*  
18 *administered by the board, pursuant to subparagraph (C) of*  
19 *paragraph (2) of subdivision (a).*

20 *(d) Upon receipt of acknowledgment of successful completion*  
21 *of the requirements set forth in subdivision (b) or (c), the board*  
22 *shall issue a license to the applicant. An applicant who does not*  
23 *meet the requirements of subdivision (b) shall take a California*  
24 *state board examination as specified in subparagraph (B) of*  
25 *paragraph (2) of subdivision (a). An applicant who does not meet*  
26 *the requirements of subdivision (c) shall either take a California*  
27 *state board examination as specified in subparagraph (B) of*  
28 *paragraph (2) of subdivision (a) or apply for a temporary license*  
29 *as specified in subdivision (b).*

30 ~~(d)~~

31 *(e) The board, in its discretion, may extend the expiration date*  
32 *of a temporary license issued pursuant to subdivision (b) for not*  
33 *more than one year for reasons of health, military service, or undue*  
34 *hardship. An application for an extension shall be submitted on a*  
35 *form provided by the board.*

36 *(f) The phrase “in good standing” means that an applicant*  
37 *under this section meets both of the following requirements:*

38 *(1) Is not currently under investigation nor has been charged*  
39 *with an offense for an act substantially related to the practice of*  
40 *veterinary medicine by a public agency, nor entered into a consent*

1 *agreement or subject to an administrative decision that contains*  
2 *conditions placed by an agency upon the applicant's professional*  
3 *conduct or practice, including a voluntary surrender of license,*  
4 *nor been the subject of an adverse judgment resulting from the*  
5 *practice of veterinary medicine that the board determines*  
6 *constitutes evidence of a pattern of incompetence or negligence.*  
7 *(2) Has no physical or mental impairment related to drugs or*  
8 *alcohol, and has not been found mentally incompetent by a*  
9 *physician so that the applicant is unable to undertake the practice*  
10 *of veterinary medicine in a manner consistent with the safety of a*  
11 *patient or the public.*